## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

KELLY BIRES,	)	
	)	
Plaintiff	)	
	)	
V.	)	CASE NO. 1:07-cv-00959
WALTON LLODON WALTON DAONG	)	
WALTOM, LLC D/B/A WALTOM RACING,	)	
LLC	)	
D.C. I.	)	
Defendant	)	
	)	

## MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT

Defendant WalTom, LLC d/b/a WalTom Racing, LLC ("WalTom"), pursuant to Local Civil Rule 6.1(a), hereby moves this Honorable Court for an extension of time of thirty days, up to and including January 28, 2008, within which to answer, move or otherwise plead pursuant to Fed. R. Civ. P. 12.

In support of this Motion for Extension of Time, WalTom respectfully states as follows:

- 1. Plaintiff filed a Complaint against WalTom in the Superior Court of Rowan County on November 27, 2007 and WalTom was served on November 30, 2007.
  - 2. WalTom filed a Notice of Removal with this Court on December 20, 2007.
- 3. Pursuant to Fed. R. Civ. P. 81(c), WalTom is required to file a responsive pleading within 5 days of filing the Notice of Removal, or December 28, 2007 (per Fed. R. Civ. P. 6(a)).
- 4. WalTom needs additional time to answer, move or otherwise plead in response to the Complaint.
- 5. On December 20, 2007, counsel for WalTom contacted William Bray, counsel for Plaintiff, about this Motion and Mr. Bray consents to the extension of time requested herein.

WHEREFORE, WalTom respectfully requests that it be granted an extension of thirty days through January 28, 2008 to answer, move or otherwise plead to the Complaint.

This 20th day of December, 2007.

/s/ Christopher C. Lam

John H. Culver III N.C. State Bar No. 17849 Christopher C. Lam N.C. State Bar No. 28627 214 North Tryon Street, 47<sup>th</sup> Floor Charlotte, NC 28202

Telephone: 704-331-7449
Facsimile: 704-353-3149
clam@kennedycovington.com
ATTORNEYS FOR DEFENDANT

#### OF COUNSEL:

KENNEDY COVINGTON LOBDELL & HICKMAN, LLP

Hearst Tower, 47<sup>th</sup> Floor 214 North Tryon Street Charlotte, NC 28202

Telephone: (704) 331-7400 Facsimile: (704) 331-7598

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the within MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT and proposed ORDER was served on counsel for the plaintiff by email and by causing to be deposited a copy of the same in an official depository of the United States Postal Service in a postage-paid envelope, addressed as follows:

William Bray
The Bray Law Firm, PLLC
4701 Hedgemore Drive, Suite 816
Charlotte, North Carolina 28209
wbray@braylaw.com
Attorneys for Plaintiff

This 20th day of December, 2007.

/s/ Christopher C. Lam Christopher C. Lam 

# IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

KELLY BIRES,	)	
	)	
Plaintiff	)	
	)	
v.	)	CASE NO. 1:07-cv-00959
	)	
WALTOM, LLC D/B/A WALTOM RACING,	)	
LLC	)	
	)	
Defendant	)	
	)	

#### ORDER GRANTING EXTENSION OF TIME TO RESPOND TO COMPLAINT

This cause coming on to be heard and being heard before the undersigned, upon Defendant's Motion for Extension of Time to Respond to Complaint up to and including January 28, 2008, and for good cause shown, its Motion is granted within the Court's discretion.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that WalTom be afforded an extension of time for to answer, move or otherwise plead to the Plaintiff's Complaint through and including January 28, 2008.